

#### **401 KAR 8:050. Drinking water program fees.**

RELATES TO: KRS 223.220, 224.10-100, 224.10-110, 40 C.F.R. 142.10, Pub. L. 104-182, EO 2008-507, 2008-531

STATUTORY AUTHORITY: KRS 223.220, 224.10-100(20), 224.10-110

NECESSITY, FUNCTION, AND CONFORMITY: KRS Chapter [224.10-100](#)(20) authorizes the cabinet to establish, by administrative regulation, a fee or schedule of fees for the cost of processing applications for permits authorized by KRS Chapter 224. EO 2008-507 and 2008-531, effective June 16, 2008, abolish the Environmental and Public Protection Cabinet and establish the new Energy and Environment Cabinet. This administrative regulation establishes fees for reviewing plans and specifications of public water systems, for operator certification, and for laboratory certification.

##### **Section 1. Fees for the Review of Plans and Specifications for New and Existing Public and Semipublic Water Systems.**

###### **(1) Filing fees.**

(a) Except as provided in [KRS 224.10-100](#), a person who submits the plans and specifications listed in subsection (2) of this section shall simultaneously submit a filing fee in the amount of twenty (20) percent of the required project fee described in subsection (2) of this section.

(b) A filing fee shall not be refundable if the plans and specifications for which the filing fee is required are denied or withdrawn.

(c) The filing fee shall be applied toward the project fee assessed in subsection (2) of this section.

(d) 1. Plans and specifications not approved shall be returned to the applicant.

2. Further consideration of plans and specifications not approved shall require a new submittal and payment of the appropriate filing fee.

###### **(2) Project fees.**

(a) Following preliminary review of the plans and specifications, the cabinet shall notify the applicant whether the plans and specifications comply with 401 KAR 8:100. If the applicant is notified that the plans and specifications comply, the applicant shall submit the remainder of the fee required by paragraph (b) of this subsection.

(b) A fee for review and approval of the plans and specifications shall be assessed according to the following schedule:

###### **1. Fee for reviewing plans of community public water systems.**

a. The fee for reviewing plans for a water treatment plant utilizing disinfection and all components of conventional filtration treatment shall be \$800.

b. The fee for reviewing plans for a water treatment plant utilizing disinfection, but not all components of conventional filtration treatment, shall be \$525.

c. The fee for reviewing plans for a water treatment plant utilizing only disinfection shall be \$250.

d. The fee for reviewing plans for a change in design capacity of a water treatment plant involving disinfection and all components of conventional filtration treatment shall be \$800.

e. The fee for reviewing plans for a change in design capacity of a water treatment plant involving disinfection, but not all components of conventional filtration treatment, shall be \$525.

f. The fee for reviewing plans for a change in design capacity of a water treatment plant involving only disinfection shall be \$125.

g. The fee for reviewing plans for a change in the structures and appurtenances, except for distribution lines of less than 10,000 feet, of a water supply system shall be \$325.

h. The fee for reviewing plans of a water supply system for a change to the distribution lines of 10,000 feet or less shall be \$150.

2. Fees for reviewing plans of noncommunity public water systems.
  - a. The fee for reviewing plans for a water treatment plant utilizing disinfection and all components of conventional filtration treatment shall be \$800.
  - b. The fee for reviewing plans for a water supply system serving more than 100 people that utilizes disinfection, but not all components of conventional filtration treatment, shall be \$200.
  - c. The fee for reviewing plans for a change to a water supply system serving more than 100 people shall be \$100.
  - d. The fee for reviewing plans for a water supply system serving 100 people or fewer, which utilizes disinfection, but not all components of conventional filtration treatment, shall be \$100.
  - e. The fee for reviewing plans for a change to a water supply system serving 100 people or fewer shall be fifty (50) dollars.
3. Semipublic water systems. The fee for reviewing plans for a semipublic water system facility or a change to a semipublic water system shall be fifty (50) dollars.

Section 2. Fees for Laboratory Certification. (1) Fees shall be received by February 15 of each calendar year.

(2) A fee received after February 15 and before March 14 shall incur a surcharge of fifteen (15) percent.

(3) Laboratory certification shall be revoked if fees are not received by March 15.

(4) To reinstate a laboratory certification that was revoked pursuant to subsection (3) of this section, the laboratory shall comply with 401 KAR [8:040](#), Section 2, and shall pay a surcharge of twenty-five (25) percent of the certification fee established in Table A in subsection (5) of this section.

(5) The annual fee for certification by analysis category shall be as established in Table A:

Table A: Annual Certification Fee by Analysis Category	
Analysis Category	Fee
Microbiology Administration and Application	\$1,000
Microbiology	\$500
Chemistry Administration and Application	\$1,000
Disinfection By-Products	\$500
Synthetic Organic Chemicals	\$500
Volatile Organic Chemicals	\$500
All Other Chemical Analysis Categories	\$500
Other audits resulting in a certification status change	\$500 each

(6) Fees shall apply to in-state and out-of-state laboratories.

(7)(a) A laboratory may request a ten (10) percent discount of the following year's certification fee if it submits compliance data electronically for one (1) calendar year.

(b) To be eligible for the discount:

1. The laboratory's data shall not contain errors;
2. The laboratory shall not err in the electronic-submittal process; and
3. The laboratory shall comply with 401 KAR [8:040](#), Section 4.

(8) A laboratory certified by the National Environmental Laboratory Association Certification Institute (TNI) or a National Environmental Laboratory Association Program accrediting authority may request a ten (10) percent discount of the total certification fee for which it maintains the TNI certification.

Section 3. (1) Fees for certification of water treatment plant and water distribution system operators.

(a) Certification application fee shall be \$100.

(b) A renewal application fee shall be:

1. Fifty (50) dollars if renewed through the cabinet Web site; or
2. \$100 if not renewed through the cabinet Web site.

(c) A renewal late fee shall be \$250.

(d) A reciprocity fee shall be \$500.

(2) Each year the cabinet, in consultation with the board, shall establish fees for operator training conducted by the cabinet.

(3)(a) The fees established in subsection (1) of this section shall be nonrefundable.

(b) Fifty (50) percent of the fees established in subsection (2) of this section shall be refundable if registration is canceled at least two (2) business days prior to the beginning of the training event.

(c) The fees in subsection (2) of this section shall be fully refunded if the training event is cancelled by the cabinet. (17 Ky.R. 599; eff. 11-15-1990; 35 Ky.R. 1847; eff. 7-6-2009.)